

108TH CONGRESS  
2D SESSION

# S. 2706

To establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 21, 2004

Mrs. CLINTON (for herself, Ms. SNOWE, and Mr. DASCHLE) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Kinship Caregiver Sup-  
5       port Act”.

6       **TITLE I—KINSHIP NAVIGATOR**  
7       **PROGRAM**

8       **SEC. 101. FINDINGS.**

9       Congress finds the following:

10       (1) The 2000 decennial census states that—

1 (A) more than 4,500,000 children in the  
2 United States are living in grandparent-headed  
3 households, a 30 percent increase from 1990 to  
4 2000; and

5 (B) an additional 1,500,000 children in the  
6 United States are living in households headed  
7 by other relatives.

8 (2) In the 2000 decennial census, over  
9 2,400,000 grandparents reported that they were pri-  
10 marily responsible for meeting the basic needs of  
11 their grandchildren, and parents were not present in  
12 about  $\frac{1}{3}$  of the families involved.

13 (3) According to the 2000 decennial census, al-  
14 most  $\frac{1}{5}$  of grandparents responsible for their grand-  
15 children live in poverty.

16 (4) Kinship caregivers (as defined in section  
17 103) often face a variety of unnecessary barriers, in-  
18 cluding difficulties enrolling children in school, au-  
19 thorizing medical treatment, maintaining public  
20 housing leases, obtaining affordable legal services,  
21 obtaining custody of children or otherwise achieving  
22 permanency for children in their care, and accessing  
23 a variety of Federal benefits and services.

24 (5) Kinship caregivers can help to keep children  
25 from entering the foster care system, and provide

1 safe and permanent homes, but need services and  
 2 supports to do so. They need better access to health  
 3 insurance, respite care, child care, special education,  
 4 housing, and other benefits.

5 (6) Surveys and research on the needs of kin-  
 6 ship caregivers report that one of their greatest chal-  
 7 lenges in raising children is getting accurate infor-  
 8 mation about—

9 (A) the benefits and services that are avail-  
 10 able to their families, such as health and mental  
 11 health care, assistance provided under the pro-  
 12 gram of block grants to States for temporary  
 13 assistance for needy families established under  
 14 part A of title IV of the Social Security Act (42  
 15 U.S.C. 601 et seq.), kinship or foster care, kin-  
 16 ship assistance and adoption assistance, child  
 17 care and early education, special education, and  
 18 other services for children with disabilities; and

19 (B) the legal authority, responsibilities,  
 20 and rights of kinship caregivers.

21 (7) Funding for kinship navigator programs  
 22 can—

23 (A) help kinship care families better use  
 24 existing programs and services; and

(B) increase the capacity of public and private not-for-profit agencies, including community-based and faith-based agencies, and including agencies carrying out related Federal programs, such as the National Family Caregiver Support Program under part E of title III of the Older Americans Act of 1965 (42 U.S.C. 3030s et seq.), to better serve the needs of kinship care families.

**SEC. 102. PURPOSE.**

The purposes of this Act are—

(1) to establish kinship navigator programs in States, large metropolitan areas, and tribal areas to assist kinship caregivers in navigating their way through programs and services, to help the caregivers learn about and obtain assistance to meet the needs of the children they are raising and their own needs; and

(2) to promote effective partnerships among public and private not-for-profit agencies, including community-based and faith-based agencies, to help the agencies described in this paragraph more effectively and efficiently serve kinship care families and address the fragmentation that creates barriers to meeting the needs of those families.

1 **SEC. 103. DEFINITIONS.**

2 In this title:

3 (1) ASSISTANT SECRETARY.—The term “Assist-  
4 ant Secretary” means the Assistant Secretary for  
5 Children and Families of the Department of Health  
6 and Human Services.

7 (2) KINSHIP CARE FAMILY.—The term “kinship  
8 care family” means a family with a kinship care-  
9 giver.

10 (3) KINSHIP CAREGIVER.—The term “kinship  
11 caregiver” means a grandparent or stepgrandparent  
12 of a child, or a relative of a child by blood, marriage,  
13 or adoption, who—

14 (A) lives with the child;

15 (B) is the primary caregiver of the child  
16 because the biological or adoptive parent of the  
17 child is unable or unwilling to serve as the pri-  
18 mary caregiver of the child; and

19 (C) has a legal relationship to the child or  
20 is raising the child informally.

21 (4) LARGE METROPOLITAN AREA.—The term  
22 “large metropolitan area” means a metropolitan sta-  
23 tistical area, as defined by the Bureau of the Cen-  
24 sus, with a population of not less than 1,000,000.

25 (5) METROPOLITAN AGENCY.—The term “met-  
26 ropolitan agency” means an agency serving a large

1 metropolitan area, or a county or political subdivi-  
 2 sion of a large metropolitan area.

3 (6) STATE.—The term “State” means any of  
 4 the several States, the District of Columbia, the Vir-  
 5 gin Islands of the United States, the Commonwealth  
 6 of Puerto Rico, Guam, American Samoa, and the  
 7 Commonwealth of the Northern Mariana Islands.

8 (7) TRIBAL AREA.—The term “tribal area”  
 9 means the area served by a tribal organization.

10 (8) TRIBAL ORGANIZATION.—The term “tribal  
 11 organization”—

12 (A) means a tribal organization, as defined  
 13 in section 658P of the Child Care and Develop-  
 14 ment Block Grant Act of 1990 (42 U.S.C.  
 15 9858n); and

16 (B) includes a consortium of tribal organi-  
 17 zations described in subparagraph (A).

18 **SEC. 104. GRANTS.**

19 (a) IN GENERAL.—The Assistant Secretary may  
 20 make grants to eligible entities to pay for the Federal  
 21 share of the cost of carrying out kinship navigator pro-  
 22 grams.

23 (b) ELIGIBLE ENTITIES.—To be eligible to receive a  
 24 grant under this section, an entity shall be a State agency,

1 metropolitan agency, or tribal organization, with experi-  
2 ence in—

3 (1) addressing the needs of kinship caregivers  
4 or children; and

5 (2) connecting the children or caregivers with  
6 appropriate services and assistance, such as services  
7 and assistance provided by—

8 (A) an area agency on aging under the  
9 Older Americans Act of 1965 (42 U.S.C. 3001  
10 et seq.); or

11 (B) an agency with jurisdiction over child  
12 welfare, income-based financial assistance,  
13 human services, or health matters, or a public  
14 entity that links family resource and support  
15 programs, for the State, large metropolitan  
16 area, or Indian tribe involved.

17 (c) ALLOCATION OF GRANTS.—Of the funds made  
18 available for grants under this section for each fiscal year,  
19 the Assistant Secretary shall use not less than 50 percent  
20 to make grants to State agencies.

21 (d) DURATION OF THE GRANTS.—In making the  
22 grants, the Assistant Secretary shall make grants—

23 (1) in fiscal year 2005, for periods of 3 years;

24 (2) in fiscal year 2006, for periods of 2 years;

25 and

1           (3) in fiscal year 2007, for periods of 1 year.

2   **SEC. 105. FEDERAL SHARE.**

3           (a) IN GENERAL.—The Federal share of the cost of  
4 carrying out a kinship navigator program under a grant  
5 shall be—

6           (1) 100 percent in the first year of the grant  
7 period;

8           (2) 75 percent in the second year (if any) of the  
9 grant period; and

10          (3) 50 percent in the third year (if any) of the  
11 grant period.

12          (b) NON-FEDERAL SHARE.—The non-Federal share  
13 of the cost may be provided in cash. Not more than 50  
14 percent of the non-Federal share of the cost may be pro-  
15 vided in kind, fairly evaluated, including plant, equipment,  
16 or services.

17   **SEC. 106. APPLICATIONS.**

18          (a) IN GENERAL.—To be eligible to receive a grant  
19 under this title, an entity shall submit an application to  
20 the Assistant Secretary at such time, in such manner, and  
21 containing such information as the Assistant Secretary  
22 may require, including, at a minimum, the information de-  
23 scribed in subsection (b).

24          (b) CONTENTS.—The application shall include the  
25 following:



1           (1) A description of the steps the entity will  
2           take during the first 6 months of the grant period  
3           to—

4                   (A) identify gaps in services for kinship  
5           care families in the State, large metropolitan  
6           area, or tribal area to be served and the specific  
7           activities that are needed to bridge the gaps;

8                   (B) convene a group of partners to assist  
9           in the operation of the kinship navigator pro-  
10          gram funded through the grant;

11                  (C) utilize or develop relevant technology;

12                  (D) conduct outreach to kinship caregivers  
13          about the kinship navigator program; and

14                  (E) develop a plan for reaching kinship  
15          caregivers, ensuring that the caregivers can ac-  
16          cess the kinship navigator program, and fol-  
17          lowing up to ensure that the caregivers actually  
18          receive necessary services and supports.

19           (2) An assurance that the entity will provide at  
20          least the core activities specified in paragraphs (1)  
21          and (2) of section 107(b) for kinship care families  
22          through the kinship navigator program.

23           (3) A description of the activities the entity ex-  
24          pects to offer over the grant period and the entity's

1 initial projection of the number of children and kin-  
2 ship caregivers likely to be served.

3 (4) A description of how the entity will involve  
4 in the planning and operation of the kinship navi-  
5 gator program, on an ongoing basis—

6 (A) kinship caregivers;

7 (B) youth raised or being raised by kinship  
8 caregivers;

9 (C) representatives of kinship care support  
10 organizations;

11 (D) relevant government agencies (includ-  
12 ing agencies with jurisdiction over matters re-  
13 lating to aging, mental health, mental retarda-  
14 tion or developmental disabilities, substance  
15 abuse treatment, health, youth services, human  
16 services, education, income-based financial as-  
17 sistance, child welfare, child custody, guardian-  
18 ship, adoption, or child support enforcement);

19 (E)(i) not-for-profit service providers, in-  
20 cluding community-based and faith-based agen-  
21 cies; and

22 (ii) educational institutions; and

23 (F) other State or local agencies or sys-  
24 tems that promote service coordination or pro-  
25 vide information and referral services, including

1 the entities that provide the 2–1–1 or 3–1–1 in-  
2 formation systems where applicable.

3 (5) A description of—

4 (A) how the entity will coordinate its ac-  
5 tivities with other State or local agencies or sys-  
6 tems that promote service coordination or pro-  
7 vide information and referral services for chil-  
8 dren, families, or older individuals, including  
9 the entities that provide the 2–1–1 or 3–1–1 in-  
10 formation systems where applicable, so as to  
11 avoid duplication of services and the fragmenta-  
12 tion of services that prevents kinship care fami-  
13 lies from getting the help the families need; and

14 (B) how the entity will encourage regional  
15 cooperation among agencies, particularly agen-  
16 cies serving border communities that may cross  
17 jurisdictional lines, to ensure that kinship care  
18 families will get help.

19 (6) An assurance that the entity will report at  
20 least annually to the Assistant Secretary, in a man-  
21 ner prescribed by the Assistant Secretary, to ensure  
22 comparability of data across States, on—

23 (A) activities established with the funds  
24 made available through grants made under this  
25 title;

1 (B) the numbers and ages of the children  
 2 and caregivers assisted through the grants;

3 (C) the types of the assistance provided;

4 (D) the outcomes achieved with the assist-  
 5 ance; and

6 (E) the barriers identified to meeting the  
 7 needs of kinship care families and plans for ad-  
 8 dressing the barriers.

9 (7) An assurance that the entity, not later than  
 10 3 months after the end of the final year of the grant  
 11 period, will submit a final report to the Administra-  
 12 tion for Children and Families that describes—

13 (A) the numbers and ages of the children  
 14 and caregivers assisted through the grants;

15 (B) the types of assistance provided;

16 (C) the outcomes achieved with the assist-  
 17 ance;

18 (D) the barriers to meeting the needs of  
 19 kinship care families that were addressed  
 20 through the grants;

21 (E) the plans of the entity to continue the  
 22 kinship navigator program after the grant pe-  
 23 riod has ended;

24 (F) lessons learned during the grant pe-  
 25 riod; and

1 (G) recommendations about the consider-  
2 ations that should be taken into account as the  
3 program carried out under this title is expanded  
4 throughout the Nation.

5 (c) PREFERENCE.—In awarding grants under this  
6 title, the Assistant Secretary shall give preference to agen-  
7 cies or organizations that can demonstrate that the agen-  
8 cies and organizations will offer the full array of activities  
9 described in section 107(b).

10 **SEC. 107. USE OF GRANT FUNDS.**

11 (a) IN GENERAL.—An entity that receives a grant  
12 under this title may use the funds made available through  
13 the grant directly, or through grants or contracts with  
14 other public or private not-for-profit agencies, including  
15 community-based or faith-based agencies, that have expe-  
16 rience in connecting kinship caregivers with appropriate  
17 services and assistance.

18 (b) USE OF FUNDS.—An entity that receives a grant  
19 under this title may use the funds made available through  
20 the grant for activities that help to connect kinship care-  
21 givers with the services and assistance required to meet  
22 the needs of the children the caregivers are raising and  
23 their own needs, such as—

24 (1) establishing and maintaining information  
25 and referral systems that—

1 (A) assist, through toll free access that in-  
2 cludes access to a live operator, kinship care-  
3 givers, kinship care service providers, kinship  
4 care support group facilitators, and others to  
5 learn about and link to—

6 (i) local kinship care service providers,  
7 support groups, respite care programs, and  
8 special services for incarcerated parents;

9 (ii) eligibility and enrollment informa-  
10 tion for Federal, State, and local benefits,  
11 such as—

12 (I) education (including pre-  
13 school, elementary, secondary, post-  
14 secondary, and special education);

15 (II) family support services, early  
16 intervention services, mental health  
17 services, substance abuse prevention  
18 and treatment services, services to ad-  
19 dress domestic violence problems,  
20 services to address HIV or AIDS,  
21 legal services, child support, housing  
22 assistance, and child care;

23 (III) the disability insurance ben-  
24 efits program established under title

1 II of the Social Security Act (42  
2 U.S.C. 401 et seq.);

3 (IV) the program of block grants  
4 to States for temporary assistance for  
5 needy families established under part  
6 A of title IV of the Social Security  
7 Act (42 U.S.C. 601 et seq.);

8 (V) the supplemental security in-  
9 come program established under title  
10 XVI of the Social Security Act (42  
11 U.S.C. 1381 et seq.);

12 (VI) the medicaid program estab-  
13 lished under title XIX of the Social  
14 Security Act (42 U.S.C. 1396 et seq.);

15 (VII) the State children's health  
16 insurance program established under  
17 title XXI of the Social Security Act  
18 (42 U.S.C. 1397aa et seq.);

19 (VIII) the program of Federal  
20 payments for foster care and adoption  
21 assistance established under part E of  
22 title IV of the Social Security Act (42  
23 U.S.C. 670 et seq.), including the pro-  
24 gram of kinship guardianship assist-

1                   ance payments for children established  
2                   under section 472A of that Act; and  
3                   (IX) the food stamp program es-  
4                   tablished under the Food Stamp Act  
5                   of 1977 (7 U.S.C. 2011 et seq.);  
6                   (iii) relevant training to assist kinship  
7                   caregivers in obtaining benefits and serv-  
8                   ices and performing their caregiving activi-  
9                   ties; and  
10                  (iv) relevant legal assistance and help  
11                  in obtaining access to legal services, includ-  
12                  ing access to legal aid service providers  
13                  and statewide elder law hotlines;  
14                  (B) provide outreach to kinship care fami-  
15                  lies, in collaboration with schools, pediatric care  
16                  clinics, kinship care organizations, senior citizen  
17                  centers, agencies with jurisdiction over child  
18                  welfare or human services, and others to link  
19                  the families to the kinship navigator program  
20                  and to services and assistance; and  
21                  (C) establish, distribute, and regularly up-  
22                  date kinship care resource guides, websites, or  
23                  other relevant outreach materials;



1           (2) promoting partnerships between public and  
2       private not-for-profit agencies, including community-  
3       based and faith-based agencies—

4           (A) to help the agencies described in this  
5       paragraph more effectively and efficiently meet  
6       the needs of kinship care families; and

7           (B) to familiarize the agencies about the  
8       special needs of kinship care families, policies  
9       that affect their eligibility for a range of edu-  
10      cation, health, mental health, social, child care,  
11      and child welfare services, income-based finan-  
12      cial assistance, legal assistance, and other serv-  
13      ices and benefits, and the means for making  
14      policies more supportive of kinship care fami-  
15      lies;

16          (3) establishing and supporting a kinship care  
17      ombudsman who has the authority to actively inter-  
18      vene with State agency staff or service providers  
19      with which the State agency contracts to help en-  
20      sure, through various appropriate means including  
21      working with individual families in an ongoing man-  
22      ner, that kinship caregivers get the services they  
23      need and for which they are eligible; and

24          (4) supporting other activities that are designed  
25      to assist kinship caregivers in obtaining benefits,

1 services, and activities designed to improve their  
2 caregiving.

3 (c) LIMITATION.—Except as provided in subsection  
4 (b)(4), the entity may not use any of the funds made avail-  
5 able through the grant for direct services to children in  
6 kinship care families or to kinship caregivers.

7 **SEC. 108. ADMINISTRATION OF THE PROGRAM.**

8 (a) CONSULTATION.—In administering the program  
9 carried out under this title, the Assistant Secretary for  
10 Children and Families shall periodically consult with the  
11 Assistant Secretary for Aging of the Department of  
12 Health and Human Services.

13 (b) REGULATIONS AND GUIDANCE.—Not later than  
14 90 days after the date of enactment of this Act, the Assist-  
15 ant Secretary for Children and Families shall issue regula-  
16 tions or guidance that announces the availability of funds  
17 under this title and specifies the procedures for applying  
18 for the funds.

19 **SEC. 109. RESERVATION.**

20 The Assistant Secretary may reserve not more than  
21 1 percent of the funds made available under this title for  
22 a fiscal year to provide technical assistance to the recipi-  
23 ents of grants under this title related to the purposes of  
24 the grants.

1 **SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

2       There is authorized to be appropriated to carry out  
3 this title \$25,000,000 for fiscal year 2005, \$50,000,000  
4 for fiscal year 2006, and \$75,000,000 for fiscal year 2007.

5 **TITLE II—SUBSIDIZED GUARD-**  
6 **IANSHIP OPTION FOR TITLE**  
7 **IV—E**

8 **SEC. 201. KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS**  
9 **FOR CHILDREN.**

10       (a) IN GENERAL.—Part E of title IV of the Social  
11 Security Act (42 U.S.C. 670–679b) is amended by insert-  
12 ing after section 472 the following:

13 **“SEC. 472A. KINSHIP GUARDIANSHIP ASSISTANCE PAY-**  
14 **MENTS FOR CHILDREN.**

15       “(a) IN GENERAL.—Each State with a plan approved  
16 under this part may, at State option, enter into kinship  
17 guardianship assistance agreements to provide kinship  
18 guardianship assistance payments on behalf of children to  
19 grandparents and other relatives who have assumed legal  
20 guardianship (as defined in section 475(7)) of the children  
21 for whom they have cared as foster parents and for whom  
22 they have committed to care for on a permanent basis.

23       “(b) KINSHIP GUARDIANSHIP ASSISTANCE AGREE-  
24 MENT.—

25       “(1) IN GENERAL.—In order to receive pay-  
26 ments under section 474(a)(5), a State shall—

1           “(A) negotiate and enter into a written  
2           kinship guardianship assistance agreement with  
3           the prospective relative guardian of a child who  
4           meets the requirements of subsection (d);

5           “(B) provide the prospective relative  
6           guardian with a copy of the agreement; and

7           “(C) certify that any child on whose behalf  
8           kinship guardianship assistance payments are  
9           made under such an agreement shall be pro-  
10          vided medical assistance under title XIX in ac-  
11          cordance with section 1902(a)(10)(A)(i)(I).

12          “(2) MINIMUM REQUIREMENTS.—The agree-  
13          ment shall specify, at a minimum—

14               “(A) the amount of, and manner in which,  
15               each kinship guardianship assistance payment,  
16               if any, will be provided under the agreement;

17               “(B) the additional services and assistance  
18               that the child and relative guardian will be eli-  
19               gible for under the agreement;

20               “(C) the procedure by which the relative  
21               guardian may apply for additional services as  
22               needed, provided the agency and relative guard-  
23               ian agree on the additional services as specified  
24               in the case plan; and

1           “(D) subject to paragraph (4), that the  
2           State will pay the nonrecurring expenses associ-  
3           ated with obtaining legal guardianship of the  
4           child.

5           “(3) INTERSTATE APPLICATION.—The agree-  
6           ment shall provide—

7           “(A) that the agreement shall remain in  
8           effect without regard to the State residency of  
9           the relative guardian; and

10          “(B) for the protection (under an inter-  
11          state compact approved by the Secretary or oth-  
12          erwise) of the interests of the child in any case  
13          where the relative guardian and the child move  
14          to another State while the agreement is in ef-  
15          fect.

16          “(4) NONRECURRING EXPENSES ASSOCIATED  
17          WITH OBTAINING LEGAL GUARDIANSHIP.—

18          “(A) IN GENERAL.—For purposes of para-  
19          graph (2)(D), the term ‘nonrecurring expenses  
20          associated with obtaining legal guardianship’ in-  
21          cludes the reasonable and necessary fees, court  
22          costs, attorneys’ fees, and other expenses that  
23          are directly related to obtaining legal guardian-  
24          ship of the child and which are not incurred in  
25          violation of Federal or State law.

1           “(B) FEDERAL SHARE.—A State’s pay-  
 2           ment of the nonrecurring expenses associated  
 3           with obtaining legal guardianship shall be treat-  
 4           ed as an expenditure made for the proper and  
 5           efficient administration of the State plan under  
 6           section 474(a)(3)(E).

7           “(c) KINSHIP GUARDIANSHIP ASSISTANCE PAY-  
 8           MENT.—

9           “(1) REQUIREMENTS.—

10           “(A) IN GENERAL.—The kinship guardian-  
 11           ship assistance payment shall be—

12                   “(i) negotiated as part of the kinship  
 13                   guardianship assistance agreement re-  
 14                   quired under subsection (b)(1)(A) between  
 15                   the relative guardian and the State or local  
 16                   agency responsible for administering such  
 17                   agreement;

18                   “(ii) based on consideration of the cir-  
 19                   cumstances and the needs of the relative  
 20                   guardian and of the child; and

21                   “(iii) equal to the amount of the fos-  
 22                   ter care maintenance payment for which  
 23                   the child would have been eligible if the  
 24                   child had remained in foster care.

1           “(B) READJUSTMENT.—The kinship  
 2           guardianship assistance payment may be read-  
 3           justed periodically, with the concurrence of the  
 4           relative guardian, based on relevant changes in  
 5           the needs of the relative guardian and of the  
 6           child.

7           “(2) LIMITATION.—

8           “(A) IN GENERAL.—Except as provided in  
 9           subparagraph (B), no kinship guardianship as-  
 10          sistance payment may be made to a relative  
 11          guardian for any child who has attained 18  
 12          years of age.

13          “(B) EXCEPTIONS.—A kinship guardian-  
 14          ship assistance payment may be made to a rel-  
 15          ative guardian with respect to a child who—

16               “(i) is a full-time student in a sec-  
 17               ondary school or in the equivalent level of  
 18               a vocational or technical training program  
 19               and has not attained 19 years of age; or

20               “(ii) with respect to a child who the  
 21               State determines has a mental or physical  
 22               disability that warrants the continuation of  
 23               assistance until the child attains 21 years  
 24               of age.

1       “(d) CHILD’S ELIGIBILITY FOR A KINSHIP GUARD-  
 2       IANSHIP ASSISTANCE PAYMENT.—

3               “(1) IN GENERAL.—A child is eligible for a kin-  
 4       ship guardianship assistance payment under this  
 5       section if the State agency determines the following:

6               “(A) The child has been—

7                       “(i) removed from his or her home  
 8                       pursuant to a voluntary placement agree-  
 9                       ment or as a result of a judicial determina-  
 10                      tion to the effect that continuation in the  
 11                      home would be contrary to the welfare of  
 12                      the child;

13                     “(ii) under the care of the State agen-  
 14                     cy for the 12-month period ending on the  
 15                     date of the agency determination; and

16                     “(iii) eligible for foster care mainte-  
 17                     nance payments under section 472.

18               “(B) Being returned home or adopted are  
 19       not appropriate permanency options for the  
 20       child.

21               “(C) The child demonstrates a strong at-  
 22       tachment to the prospective relative guardian  
 23       and the relative guardian has a strong commit-  
 24       ment to caring permanently for the child.



1           “(D) With respect to a child who has at-  
 2           tained 14 years of age, the child has been con-  
 3           sulted regarding the kinship guardianship ar-  
 4           rangement.

5           “(2) TREATMENT OF SIBLINGS.—With respect  
 6           to a child described in paragraph (1) whose sibling  
 7           or siblings are not so described—

8           “(A) the child and any minor sibling of the  
 9           child may be placed in the same kinship guard-  
 10          ianship arrangement if the State agency and  
 11          the relative agree on the appropriateness of the  
 12          arrangement for the siblings; and

13          “(B) kinship guardianship assistance pay-  
 14          ments may be paid for the child and each sib-  
 15          ling so placed.”.

16          (b) CONFORMING AMENDMENTS.—

17          (1) STATE PLAN REQUIREMENT.—Section  
 18          471(a)(20)(A) of such Act (42 U.S.C. 671(a)(20)) is  
 19          amended, in the matter preceding clause (i), by  
 20          striking “foster or adoptive parent before the foster  
 21          or adoptive parent may be finally approved for place-  
 22          ment of a child on whose behalf foster care mainte-  
 23          nance payments or adoption assistance payments”  
 24          and inserting “foster parent, adoptive parent, or rel-  
 25          ative guardian before the foster parent, adoptive

parent, or relative guardian may be finally approved for placement of a child on whose behalf foster care maintenance payments, adoption assistance payments, or kinship guardianship assistance payments”.

(2) PAYMENTS TO STATES.—Section 474(a) of such Act (42 U.S.C. 674(a)) is amended—

(A) in paragraph (3)(B), by striking “foster or adoptive parents and the members of the staff of State-licensed or State-approved child care institutions providing care to foster and adopted children receiving assistance under this part, in ways that increase the ability of such current or prospective parents, staff members, and institutions to provide support and assistance to foster and adopted children,” and inserting “foster parents, adoptive parents, or relative guardians and the members of the staff of State-licensed or State-approved child care institutions providing care to foster children, adoptive children, or children living with a relative guardian receiving assistance under this part, in ways that increase the ability of such current or prospective parents, relative guardians, staff members, and institutions to provide

1 support and assistance to foster children, adop-  
2 tive children, or children living with a relative  
3 guardian,”;

4 (B) in paragraph (4)(B), by striking the  
5 period at the end and inserting “; plus”; and

6 (C) by adding at the end the following:

7 “(5) an amount equal to the Federal medical  
8 assistance percentage (as defined in section 1905(b))  
9 of the total amount expended during such quarter as  
10 kinship guardianship assistance payments under sec-  
11 tion 472A pursuant to kinship guardianship assist-  
12 ance agreements.”.

13 (3) DEFINITIONS.—Section 475(1) of such Act  
14 (42 U.S.C. 675(1)) is amended by adding at the end  
15 the following:

16 “(F) In the case of a child with respect to  
17 whom the permanency plan is placement with a  
18 relative and receipt of kinship guardianship as-  
19 sistance payments under section 472A, a de-  
20 scription of—

21 “(i) the steps that the agency has  
22 taken to determine that it is not appro-  
23 priate for the child to be returned home or  
24 adopted;

1 “(ii) the reasons why a permanent  
 2 placement with a fit and willing relative  
 3 through a kinship guardianship assistance  
 4 arrangement is in the child’s best interests;

5 “(iii) the ways in which the child  
 6 meets the eligibility requirements for a kin-  
 7 ship guardianship assistance payment;

8 “(iv) the efforts the agency has made  
 9 to discuss adoption by the child’s relative  
 10 foster parent as a more permanent alter-  
 11 native to legal guardianship and, in the  
 12 case of a relative foster parent who has  
 13 chosen not to pursue adoption, documenta-  
 14 tion of the reasons therefor; and

15 “(v) the efforts made by the State  
 16 agency to secure the consent of the child’s  
 17 parent or parents to the kinship guardian-  
 18 ship assistance arrangement, or the rea-  
 19 sons why the efforts were not made.”.

20 (c) EFFECTIVE DATE.—The amendments made by  
 21 this section take effect on October 1, 2004.

22 **SEC. 202. KINSHIP GUARDIANSHIP DEMONSTRATION**  
 23 **PROJECTS.**

24 (a) AUTHORITY TO CONDUCT PROJECTS.—The Sec-  
 25 retary shall enter into agreements with eligible entities to

1 conduct demonstration projects for the purpose of pro-  
2 viding kinship guardianship assistance payments on behalf  
3 of children to grandparents and other relatives who have  
4 assumed legal guardianship (as defined in section 475(7)  
5 of the Social Security Act (42 U.S.C. 675(7)) of the chil-  
6 dren for whom they have cared as foster parents and for  
7 whom they have committed to care for on a permanent  
8 basis in large metropolitan areas located in States that  
9 have not elected the option to provide kinship guardian-  
10 ship assistance payments for children under section 472A  
11 of the Social Security Act (as added by section 201).

12 (b) TERMS AND CONDITIONS.—The terms and condi-  
13 tions applicable to demonstration projects conducted  
14 under this section shall be consistent, to the extent the  
15 Secretary determines appropriate, with the terms and con-  
16 ditions applicable to the State option to provide kinship  
17 guardianship assistance payments for children under sec-  
18 tion 472A of the Social Security Act.

19 (c) REPORT.—Not later than October 1, 2006, and  
20 annually thereafter, the Secretary shall submit a report  
21 to Congress on the demonstration projects conducted  
22 under this section.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated such sums as may be

1 necessary to conduct demonstration projects under this  
 2 section for fiscal years beginning with fiscal year 2005.

3 (e) DEFINITIONS.—In this section:

4 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
 5 ty” means—

6 (A) a metropolitan agency, as defined in  
 7 section 103(5); and

8 (B) any other entity that the Secretary de-  
 9 termines is qualified to conduct a demonstra-  
 10 tion project under this section.

11 (2) LARGE METROPOLITAN AREA.—The term  
 12 “large metropolitan area” has the meaning given  
 13 that term in section 103(4).

14 (3) SECRETARY.—The term “Secretary” means  
 15 the Secretary of Health and Human Services.

## 16 **TITLE III—NOTICE OF CHILDREN** 17 **ENTERING FOSTER CARE**

### 18 **SEC. 301. NOTICE TO RELATIVES WHEN CHILDREN ENTER** 19 **FOSTER CARE.**

20 (a) IN GENERAL.—Section 471(a)(19) of the Social  
 21 Security Act 42 U.S.C. 671(a)(19)) is amended—

22 (1) by striking “that the State” and inserting  
 23 “that—

24 “(A) the State”;

25 (2) by adding “and” after the semicolon; and

1 (3) by adding at the end the following:

2 “(B) within 60 days of the removal of the  
3 child from the custody of the child’s parent or  
4 parents, the State shall identify and give notice  
5 to all adult grandparents and other adult rel-  
6 atives of the child (including any other adult  
7 relatives suggested by the parents), subject to  
8 exceptions due to family or domestic violence,  
9 that—

10 “(i) specifies that the child has been  
11 or is being removed from the custody of  
12 the child’s parent or parents; and

13 “(ii) explains the options the relative  
14 has under Federal, State, and local law to  
15 participate in the child’s care and place-  
16 ment, including any options that may be  
17 lost by failing to respond to the notice;”.

18 (b) EFFECTIVE DATE.—The amendments made by  
19 this section take effect on October 1, 2004.

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